

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 1, 2003

D043047 Sergio M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

D042887 Lelious E. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Petitioner Lelious E. has not filed an amended petition pursuant to our order of November 7, 2003. The case is dismissed.

D042081 In re J.B., a Juvenile

The orders are affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

D041938 Robinson v. Superior Court of Imperial County/People

Let a writ of prohibition issue directing the court to vacate its April 3, 2003 order denying Robinson's motion to dismiss and to enter a new order granting the motion. The stay of proceedings issued by this court on May 9, 2003 will vacate upon issuance of the remittitur. This decision will become final as to this court 10 days after it is filed. (Cal. Rules of Court, rule 24(b).) Huffman, Acting P.J.;

We Concur: McDonald, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 2, 2003

D040449 People v. Dulyea

The judgment is modified by striking the search probation condition. As so modified, the judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Haller, J.

D039723 Lamas v. Clinica de Cirugia Cosmetica Integral et al.

We affirm the liability and compensatory damages portion of the judgment against each defendant, and affirm the portion of the judgment finding Dr. Salas is liable for punitive damages. We reverse and remand for a limited new trial solely on the issues of: (1) the liability (if any) of Dr. Marquez and/or Clinica for punitive damages under Civil Code section 3294, subdivision (b); (2) the proper amount of punitive damages against Dr. Marquez and Clinica (if liability for these damages is found) based on all relevant evidence, including the financial condition of these defendants; and (3) the proper amount of punitive damages against Dr. Salas based on all relevant evidence, including Dr. Salas's financial condition. Each party to bear its own costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D041114 People v. Young

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D043319 Kawesch et al. v. Superior Court of San Diego County/Davis

The petition is denied.

D042842 In re Casey A., a Juvenile

Upon filing a written abandonment of appeal, the appeal is dismissed.

D043215 Gina M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Gina M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043301 Orderica et al. v. Superior Court of San Diego County/Ronquillo et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 3, 2003

D041632 In re Ameer H., a Juvenile

The order is affirmed. Aaron, J.; We Concur: McDonald, Acting P.J., Irion, J.

D041788 Snider v. Superior Court of San Diego County/Quantum Productions, Inc.

Let a writ of mandate issue directing the Superior Court of the County of San Diego to vacate its order disqualifying attorney Larabee and his law firm from representing Snider in this action. The stay issued by this court on April 3, 2003, is vacated. Petitioner to receive his costs incurred on this writ proceeding.

CERTIFIED FOR PUBLICATION Nares, J.; We Concur: McConnell, P.J., Huffman, J.

D041885 In re Gesse on Habeas Corpus

The petition is denied.

D040833 People v. Stroud

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

D040076 People v. Willis

D040219 In re Willis on Habeas Corpus

(Consolidated). The judgment is affirmed. The petition is denied. McConnell, P.J.;

We Concur: Benke, J., O'Rourke, J.

D040857 Burke v. Department of Corrections

Judgment affirmed. McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

D040566 People v. Brooks

Judgment affirmed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D042290 People v. Williams

Judgment affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D042319 In re Taylor W., a Juvenile

The judgments are reversed. The matters are remanded to the juvenile court to accept the Agency's filing of the notices it sent to the BIA and the Cherokee tribes and to determine whether the notices were adequate and proper. If the notices were sufficient, the court is to reinstate the judgments, based on the Cherokee tribes' statements that the children are not eligible for tribal membership. If the notices are insufficient, the court must order the Agency to send new notices to the Cherokee tribes and to file copies of those notices, and return receipts and responses, if any, with the court. O'Rourke, J.;

We Concur: McConnell, P.J., Nares, J.

**D041791 J.P. Morgan & Co., Incorporated et al. v. Superior Court of San Diego
County/Heliotrope General, Inc. et al.**

The petition is denied.

D043011 De Mumbrum v. San Diego County Civil Service Commission et al.

The appeal is dismissed as untimely.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 3, 2003 (Continued)

D040271 Rosales v. Battle et al.

The petition for rehearing is denied. The opinion filed November 4, 2003, is order certified for publication.

D043217 Tanya H. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Tanya H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Tanya H. is dismissed.

D043234 Maria G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Maria G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043213 In re Conde on Habeas Corpus

The petition is denied.

D041703 People v. Sandoval

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 4, 2003

D039934 People v. Culver

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Haller, J.

D041724 People v. Thompson

The order denying the petition for a writ of error coram nobis is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

D040534 Petersen v. Bates et al.

The order is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D039844 People v. Curry

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Haller, J.

D040643/D042137 People v. Ferguson/In re Ferguson on Habeas Corpus

The pending petition for writ of habeas corpus, *In re Santana Ferguson*, D042137, is consolidated with the pending, *People v. Ferguson*, D040643, for oral argument and disposition.

D040643/D042137 People v. Ferguson/In re Ferguson on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D041731 In re Rachel M., a Juvenile

D042607 Rachel M. v. Superior Court of San Diego County/San Diego County Health & Human Services Agency and Rosi M.

The above-numbered appeals are consolidated for disposition.

D041731 In re Rachel M., a Juvenile

D042607 Rachel M. v. Superior Court of San Diego County/San Diego County Health & Human Services Agency and Rosi M.

(consolidated) The judgment is affirmed. The petition is denied. CERTIFIED FOR PUBLICATION. McDonald, J; We Concur: Haller, Acting P.J., McIntyre, J.

D042875 Marisela R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Let a writ issue directing respondent juvenile court to (1) strike its September 10, 2003 jurisdictional findings under section 300, subdivisions (b) and (g), and (2) vacate its September 10, 2003 order sustaining the petition. This opinion is final immediately as to this court. McDonald, J.; We Concur: McConnell, P.J., Huffman, J.

D042273 Segrest v. Regents of the University of California

Pursuant to California Rules of Court, rule 8, the appeal filed June 3, 2003, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rule 4(b) and 5(c)).

D043329 Bravo v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 4, 2003 (continued)

D040915 People v. Scott

The petition for rehearing is denied. Further, it is ordered that the opinion filed herein on November 17, 2003, be modified as follows:

1. On page 7, in the second full sentence, the words "and ran a warrent check" shall be deleted so the sentence reads: "Likewise, it was proper to move Scott to the police car while the police assessed the situation."

There is no change in judgment.

D042743 Alvin R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No amended petition has been filed in accordance with this court's order of November 4, 2003. The case is dismissed.

D043253 Sun Louie et al. v. Superior court of San Diego County/Kuiper et al.

The petition is denied.

D043242 In re Fuifui on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 5, 2003

D041503 Biava v. Klee

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a) and this Court's order of November 10, 2003. The appeal is dismissed. Respondent's Motion for Sanctions is denied.

D043036 In re Simpson on Habeas Corpus

The petition is denied.

D043316 Guittard v. Superior Court of San Diego County/Guittard

The petition is denied.

D040444 Farfara v. Miramontes

The judgment is affirmed. Miramontes is awarded costs on appeal. McConnell, P.J.;
We Concur: Benke, J., McIntyre, J.

D042034 People v. Thornton

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D042394 In re Bobbie M. et al., Juveniles

The judgments are affirmed. McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.

D042089 In re Leah P., a Juvenile

The court's dispositional order is affirmed. Benke, J.; We Concur: McConnell, P.J., McIntyre, J.

D040879 People v. Fuller

D040881 (consolidated) The judgments are affirmed. Benke, Acting P.J.;
We Concur: McDonald, J., Irion, J.

D042883 Kevin B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D042323 2,022 Ranch, L.L.C. v. Superior Court of San Diego County/Chicago Title Insurance Company

Let a peremptory writ of mandate issue directing the superior court to vacate its order of April 18, 2003, denying 2,022 Ranch's motion to compel a response to deposition questions and production of documents. The court is ordered to conduct a particularized review of the deposition questions and documents at issue to determine which are protected by the attorney-client privilege and/or work product privileges, consistent with the conclusions expressed in this opinion. Petitioner shall recover its costs on this writ proceeding. CERTIFIED FOR PUBLICATION. Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D040367 Noel v. River Hills Wilsons, Inc., et al.

The judgment is affirmed. CERTIFIED FOR PUBLICATION. McConnell, P.J.;
We Concur: Benke, J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 5, 2003 (Continued)

D043231 In re Alarcon on Habeas Corpus

The petition is denied.

D043341 People v. Jones

In that no appealable order or judgment has yet been entered, the notice of appeal is premature. The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.

D042570 In re Jason M., a Juvenile

The judgment is affirmed . Benke, J.; We Concur: McConnell, P.J., McDonald, J.